

Thank you Mr. Chairman, my name is George Tiger and I am here today on behalf of the National Council of the Muscogee (Creek) Nation as its elected Speaker. The Muscogee Nation has been operating class II gaming since 1984 and although we had to oppose the State of Oklahoma in three years of court battles, we prevailed. We do not easily discuss with anyone giving up our right to determine our own destiny. Actions which govern our activities within our own territory that have not been approved by the National Council are immediately suspect and we intend to question any person, company, or government which tells us it has authority over our people and our visitors.

Since the days when we brought our case to the federal courts, we have worked with the state and federal governments to develop sound policies and practices on gaming-related issues. Throughout this process we set a line of demarcation,

issues. Throughout this process we set a line of demarcation, that is a limit. We stand behind that line to maintain and protect our sovereign governmental authority within our own territory.

The National Council of the Muscogee (Creek) Nation considers the proposed regulations which are subject of today's consultation as unsound, and we urge the NIGC to withdraw them without delay. These proposed regulations cause harm to the native nations by replacing our sovereign authority to make our own determinations on class II gaming with the authority of the National Indian Gaming Commission. We believe the NIGC should avoid policy making and defer to the Congress the definition of what constitutes class II gaming. We also believe the NIGC should stop asserting no one could have foreseen the changes in class II gaming made over the years by the use of technology, and instead, applaud our efforts to use the latest technology. We should, as a people, enjoy the benefits of technology rather than be punished for it. We are concerned with a federal government agency that would turn back the

technology clock on a people. We say this with history in mind, knowing that once the federal government dismantled our governments, businesses, land holdings, school systems, and laid upon us a terrible burden, which costs the lives of thousands of our people. It always begins with talk, then policy, then it moves to action. Small incursions into our rights of peaceful co-existence with the states and the federal government seem to have a way of becoming larger, and history has shown, forceful when we resist.

Our position is that the NIGC should strive to minimize federal government control over our local governments and their activities.

We note the historical facts of Indian gaming in Oklahoma which show that prior to IGRA's enactment in 1988 the Indian tribes were implementing technological changes to the game of bingo and were studying, as we do now, any advancement in technology that would increase the game play of the games of

bingo and pulltab. Do you not recall before IGRA the game of MegaBingo? Broadcast from Creek Nation Tulsa, using satellite technology, linking simultaneously more than 40 Indian bingo halls throughout the United States in one game in a large player pool, this game was still bingo. We remember the sit-down electronic bingo card displays, the handheld bingo card holders, the use of random number generators to assist the ball call and endless other uses of technology of the game of bingo. As we advanced, the NIGC and the Department of Justice at times expressed their displeasure to us about our ever growing industry. Of course, we wondered what other competing interests were influencing the NIGC and United States Department of Justice, just as we do now. And when we were forced to defend ourselves in the federal courts, we were found by law to be proper and legal, although the Executive Branch had tried to argue otherwise.

We are free of organized crime influence, we make an industry grow, employ many people, and provide much needed revenue to our Nation. We applaud all the tribes and those who work with them, and we thank our vendors who work with us to find the best of technology.

We are asking you to answer a question. What kind of government restricts a people from using technological advances?

We believe that the Indian Gaming Regulatory Act now provides that Indian tribes are the primary regulators of class II gaming, that the States have no class II regulatory role and the NIGC should not try to redefine the definition of class II gaming. We ask the NIGC to not try to regulate around these federal court decisions favorable to the Indian tribes.

When the Executive Branch of the United States government has tried to discourage the Indian tribes use of ever changing technology, such federal cases as *United States vs. 162 MegaMania Gambling Devices*, *United States vs. 103 Electronic Gambling Devices*, *Diamond Game Enterprises, Inc., vs. Reno*, as well as others, reaffirmed our use of technology. Why does the United States still fear us? We have sent our brave young men and women into battle for this great country, and have nothing but respect and admiration for the Constitution of the United States of America. We promote mutual assistance between the local Oklahoma governments and our programs, such as road and bridge construction, fire protection, education, elderly care, family growth, and employment opportunities. We do this not because of any federal regulation, but because it is our custom, and it is the right thing to do.

Your proposed regulations will set all of this back in time and reduce our options. We have a class III State-Tribal Compact, and we have granted the State of Oklahoma shared authority over those games, as well as money from our own activities in our own territory. We regulate class II gaming ourselves, with oversight from the NIGC. I looked up the word "Oversight" in the Merriam-Webster Dictionary and have no problem with the definition, which is "watchful and responsible care". I also looked up the word "Authority", which says it is "the power to influence or command thought, opinion, or behavior". We accept your oversight. We cannot accept your command over our thought, opinion, or behavior.

Thank you Mr. Chairman, I do request this statement be made part of the record.